

APR 12 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARCO VINICIO CASASOLA IPINA,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-76350

Agency No. A70-922-671

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted April 5, 2006^{**}

Before: HAWKINS, McKEOWN, and PAEZ, Circuit Judges.

Marco Vinicio Casasola Ipina, a native and citizen of Guatemala, petitions pro se for review of an order of the Board of Immigration Appeals (“BIA”) affirming, without opinion, an immigration judge’s (“IJ”) decision denying his

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

application for asylum. We have jurisdiction pursuant to 8 U.S.C. § 1252.

Reviewing due process claims de novo, *Vasquez-Zavala v. Ashcroft*, 324 F.3d 1105, 1107 (9th Cir. 2003), and the IJ's factual findings for substantial evidence, *INS v. Elias-Zacarias*, 502 U.S. 478, 481 (1992), we deny the petition for review.

Substantial evidence supports the IJ's determination that Casasola Ipina did not establish past persecution or a well-founded fear of persecution based on one of the statutorily protected grounds. *See* 8 U.S.C. §§ 1158(b)(1) and 1101(a)(42)(A). Accordingly, Casasola Ipina has failed to establish eligibility for asylum.

Casasola Ipina's contention that the BIA's summary affirmance of the IJ's decision violates due process is foreclosed by *Falcon Carriche v. Ashcroft*, 350 F.3d 845, 848, 850-51 (9th Cir. 2003).

Casasola Ipina's remaining contentions are without merit.

PETITION FOR REVIEW DENIED.